

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
Case 1:12-cv-02090-SHR-AM Document 1 Filed 10/18/12 Page 1 of 11

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

64095-054
(Inmate Number)

WALTER RODRIGUEZ
(Name of Plaintiff)

United States Penitentiary
(Address of Plaintiff)

(Address of Plaintiff)
P.O. Box 1000
Lewisburg, P.A. 17837

VS.

J.E. Thomas, Warden, Doctor Potter,

Lieutenant K.T. Kreft, C.O. Eichner

Lieutenant Hult, Medical Staff McClintock
(Names of Defendants) and C.O. Crawley.

**COMPLAINT
FILED
SCRANTON**

OCT 18 2012

PER
DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?
 Yes No

B. Have you filed a grievance concerning the facts relating to this complaint?
 Yes No

If your answer is no, explain why not _____

C. Is the grievance process completed? Yes No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant J.E. Thomas is employed
as Warden at United States Penitentiary, Lewisburg, PA.

B. Additional defendants Doctor Potter, Lieutenant H.T. Kneef, C.O. Eichner,
Lieutenant Hult, Medical staff McClintock and
C.O. Crawley

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On Saturday night August the 11th, 2012 about 9:20 p.m. I started feeling sick, dizz, I was feeling like vomiting and like I was going to faint. I went to the c.o. station and asked C.O. Ross to call the paramedics because I was feeling very sick. C.O. Ross asked me if I was diabetic and I answered "yes". Then, C.O. Ross opened the medical office and allowed me to check my sugar with a glucometer. The glucometer read "41" meaning that it was way over 500. Then C.O. Ross called Doctor Potter at the Penitentiary and informed him about the situation and about my sugar being extremely "41". C.O. Ross told me that Doctor Potter said for me to drink water, not to eat anything and to go to bed. I went back to my unit. About 9:35 p.m. I asked inmate Hector Cortez and Mark Manza to help me because I was feeling sick like I was going to pass out. As they were assisting me C.O. Ross and C.O. Eichner came by to do the count. Then C.O. Ross called on the radio "Medical Emergency" and spoke
2.
3.

See Attachments →
A, B, C, D, E & F

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

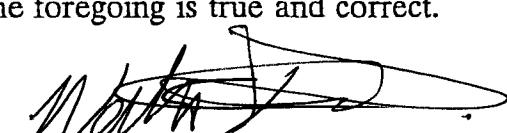
1. I want the court to issue an Emergency Temporary restraining order /Preliminary injunction against Doctor Potter, Medical staff McClincock and C.O. Crawley.
2. Compesatory damages on the amount of \$200,000. for the physical and verbal assault, harrasment, stress, distress, mental anguish and for putting my life at risk, and for making me endure extreme conditions.
3. Request appointment of counsil to represent me on the matter and all legal fees associated with the case.

Signed this 14th day of October, 2012.


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

Sunday, Oct 14th, 2012
(Date)


(Signature of Plaintiff)

IV. Statement of
Claim

(A)

With Lieutenant K.T. Kneef, since Doctor Potter didn't want to come down to the Camp. C.O. Eichner asked inmate Manza and another inmate to assist me and help me walk to the medical dept. Then C.O. Eichner opened the medical office and put me on the medical bed. At that moment Doctor Potter and Lieutenant K.T. Kneef, not sure about the spelling, arrived. Inmate Mark Manza and the other inmate were asked to leave. Then Doctor Potter started screaming and yelling, "What the fuck am I here for"? "What the fuck you expect me to do"? I replied, "to help me". Doctor Potter was acting in anger. Doctor Potter asked me to extend my left arm out to finger stick me. When he was finished he grabbed my wrist and threw my arm back aggressively and then injected me with force. Then Doctor Potter with anger grabbed me by my shirt, from my chest, and pulled me up to a seated position. When I stood up Doctor Potter hit me on the back of my neck. It felt like he hit me with an open hand and pushed me forward. Doctor Potter punched me on the

(B)

back of my neck. Then he yelled at me, "get the fuck out of my room" and pushed me out... I was treated very inhumane and physically and verbally assaulted by Doctor Potter in the presence of Lieutenant K.T. Kneef and C.O. Eichner who was in the area and none of them did anything to prevent the assault.

Moreover, as I was walking down the hall I believe he asked C.O. Eichner, "Where did he go?", "Where did he go?", and Doctor Potter threw a snack (sandwich) at me and hit me on my back with it. About 9:40 or 9:50 p.m. I was walking back to my unit and I saw C.O. Ross and reported the incident to him. I was crying all night because of frustration because I couldn't defend myself. That night I had nightmares and panic attacks. I was very distress and depressed. Sunday morning, female C.O. Wagner was doing the count and she saw I had tears in my eyes and how distress I was. She asked me to speak with her to make sure I was doing OK—which I did.

On Tuesday August 14th about 8:00 a.m. I was placed in "Administrative Segregation" for SIS

(1)

investigation. I was told I was being put in the SHU (known as the hole) for my own protection. I felt so worthless and humiliated. This formal complaint has been forwarded to the Warden J.E. Thomas, to SIS and my case manager Mr. Miller through the mailroom - None of them have replied or come to interview me about the incident. I have also informed SIS about how I have been harassed in different occasions by a medical staff named McClinton who works with Doctor Potter in the SHU doing pill line.

Furthermore, on Sunday, Sept 16th I wrote a letter to Lieutenant Hurt from SIS expressing to her how astonished I was when I realized that Doctor Potter also does pill line in the SHU bringing me my medication and insulin, and being able to approach me as the "So-called" investigation is still going. When I was detained I expressed to the C.O. my concerns with regards to being put in the SHU because Doctor Potter works at the penitentiary and therefore I was very distress due to that fact. It never crossed my mind that Doctor Potter was going to be able to approach

(D)

me here in the SHU, when I was supposedly placed here for my "own protection"— When the person who assaulted me has given me insulin on several occasions being in contact with me as the investigation is still going. On Wed, Sept 12th, about 7:00 p.m. I was verbally assaulted by Doctor Potter; He called me "Dumb Ass" in the presence of inmates Valentin Nieves-Santiago and Glenn Brown. This also has been notified to SIS. I feel intimidated by Doctor Potter since I fear for my life. When he comes with my insulin, I take the syringe, empty it and pretend I inject myself because I don't trust him with my medication. When medical staff McClintock comes with my medication, I refuse it. Is SIS really investigating? How come Doctor Potter, Lieutenant K.T. Kneef and C.O. Eichner are still working like nothing happened and in the meantime I've been sitting in the SHU since August 14th enduring the extreme and poor conditions of this place locked up 24/7, segregated from population. How come I've been punished like this when

WALTER RODRIGUEZ

(E)

by all means I'm the affected one — Because this is punishment or should I say retaliation putting my life at risk. I was moved from the Camp to the U.S.P. bringing me closer to the aggressor exposing me to danger and harrassment, and the mental anguish that goes along with it — When I was safe and secure at the camp.

In addition, On Sept 27th, Thursday afternoon, Medical staff McClintock threatened me with a "You wanna play games?" statement. The following morning, C.O. Crawley (Friday, Sept 28th) denied me a shower and had to wait 4 days for the next shower. On Wed, Oct 3rd, morning C.O. Crawley again denied me a shower.

Further, I'm enduring extreme conditions in the SHU. I've been locked up 24/7 with 2 more men (3) in a small cell about 6' by 9" segregated from population and no recreation at all. I'm not provided with a mop or a broom to clean the cell, no haircuts, no nail clippers and no law library. The paint is

WALTER RODRIGUEZ

F

peeling from the ceiling. Not to mention that inmates from the camp are mistreated here. My physical appearance has diminished - And all this because I reported an incident of abuse of power. It is important to mention my fragile health conditions. I'm diabetic insulin dependent, I suffer from neuropathy, peripheral edema, kidney dysfunction, high blood pressure, high cholesterol, anemia - depression and anxiety. I'm under chronic care, under the care of Dr. Lee and Dr. Banks.

It has been over 2 months now that I've been in the SHU and no segregation officer from SIS has come to interview me. Is this really an investigation. Something is wrong with this picture.

The Federal Bureau of Prisons, Central office in Washington D.C. and Region in Philadelphia have been informed about this incident: They haven't replied.

I declare under penalty of perjury that the foregoing is true and correct.



**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form.

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

Inmate Name: WALTER KEPPEL
Register Number: 64095 - 054
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

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OFFICE OF THE CLERK

UNITED STATES DISTRICT CLERK

MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEWMAN FEDERAL BLDG. & U.S. COURTHOUSE

235 NORTHERN WASHINGTON AVENUE
P.O. BOX 1148

SCRANTON, PA 18501-1148

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